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September 19, 2011

**VIA ECF FILING AND
OVERNIGHT MAIL**

The Honorable Robert E. Gerber
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004

Re: In re Motors Liquidation Company, *et al.*
Case No. 09-50026

Dear Judge Gerber:

King & Spalding LLP is counsel to General Motors LLC ("**New GM**") in the above-referenced bankruptcy cases. The Court has scheduled a hearing for September 26, 2011 to hear argument on the relief requested in various pleading filed by Mr. Billy Ray Kidwell.

As referenced in previous pleadings and letters filed with the Court, Mr. Kidwell had commenced litigation against New GM in the United States District Court for the Middle District of Florida ("**Florida District Court**"). By letter dated August 10, 2011, I informed the Court that the Florida District Court, by Order to Show Cause dated July 19, 2011 ("**OSC**"), directed Mr. Kidwell to show cause why his case should not be dismissed for failure to prosecute due to his failure to file a second amended complaint. Mr. Kidwell was given 14 days to respond to the OSC and to file a second amended complaint.

As Mr. Kidwell did not respond to the OSC or file his second amended complaint within the time provided by the Florida District Court, an Order was entered on August 9, 2011 ("**August 9 Order**") in that action (i) dismissing Mr. Kidwell's complaint without prejudice, and (ii) directing the Clerk of the Court to "terminate all motions and deadlines, enter judgment accordingly and close this case." By Judgment dated August 11, 2011 ("**August 11 Judgment**"), the Clerk of the Florida District Court entered judgment dismissing Mr. Kidwell's



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complaint, without prejudice. A copy of the August 11 Judgment is enclosed herewith as Exhibit "A". On the same day that the Florida District Court entered the August 9 Order, Mr. Kidwell filed a response to the OSC ("**Kidwell Response**"). A copy of the Kidwell Response is enclosed herewith as Exhibit "B".

Subsequently, Mr. Kidwell filed a Notice of Appeal, dated August 29, 2011 ("**Notice of Appeal**") with the Florida District Court, appealing that Court's August 9 Order dismissing his complaint. A copy of the Notice of Appeal is enclosed herewith as Exhibit "C".

In addition, in connection with a previous appeal by Mr. Kidwell filed in response to an Order, dated September 10, 2010, of the Florida District Court which dismissed Mr. Kidwell's complaint, the Clerk of the Eleventh Circuit Court of Appeals dismissed that appeal for want of prosecution on September 15, 2011 ("**Entry of Dismissal**"). A copy of the Clerk's Entry of Dismissal is enclosed herewith as Exhibit "D".

Respectfully submitted,


Arthur Steinberg 

cc: Mr. Billy Ray Kidwell
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